

This is a combined synopsis/solicitation for commercial items prepared in accordance with the format in FAR Subpart 13, as supplemented with additional information included in this notice. This announcement constitutes the only solicitation; proposals are being requested and a written solicitation will not be issued.

The African Development Foundation (ADF) is seeking resumes from qualified Senegalese citizens to provide services as a Country Program Coordinator under a Personal Services Contract (PSC), as described in the following solicitation: ADF-11-Q-RPD1-0036.

NAICS CODE:

812990 – All Other Personal Services

All documentation in response to this solicitation must be submitted in via email to Danita Douglas at ddouglas@usadf.gov. Applications will be accepted until **23:59 EST on September 11, 2011**. Questions regarding this solicitation should be directed to ddouglas@usadf.gov.

Only complete responses will be considered. The Contracting Officer determines whether the received application items meet the criteria of the solicitation.

A complete response must include the following nine (9) items:

1. In submitting your response by email, the subject line must reference: **ADF-11-Q-RPD1-0036, Senegal.**
2. Provide proof of Senegalese citizenship (passport or national identification card);
3. Provide driver's license;
4. Provide a resume or CV as follows:
 - The resume or CV is written in **"ENGLISH"**
 - The front page of the resume or CV identifies: **ADF-11-Q-RPD1-0036, Senegal.**
 - The applicant's signature is hand signed on the last page of the resume or CV.
5. Provide applicant's salary history for last three jobs;
6. Provide a list of three (3) references with contact information (telephone and, if available, email);
7. Provide education supporting documentation (Transcripts, Certificates of training, etc.);
8. Provide on a separate page written in English a description of your Educational background (Evaluation Factor 1); and
9. Provide on a separate page written in English a description of your Technical Knowledge and Experience (Evaluation Factor 2).

Applicants should retain copies of all documentation submitted in response to the solicitation.

NOTE: After contract award, selected candidates must be prepared to pass a basic background security screening and a medical examination within 90 days.

1.0 **ISSUANCE DATE:** August 25, 2011

2.0 **CLOSING DATE/TIME:** September 13, 2011, 11:59 p.m. Eastern Standard Time

3.0 **POSITION TITLE:** Country Program Coordinator

4.0 **MARKET VALUE:**

4.1. The salary range for this position with benefits is \$26,073 - \$37,458 per year. The actual salary of the successful candidate will be negotiated depending on qualifications, salary and work history, experience, and educational background. Salary will be fixed and paid in local currency equivalent.

5.0 **BENEFITS/ALLOWANCES:**

5.1. As appropriate, the following benefits and allowances are normally provided under a Personal Services Contract:

- a. Annual Increase (inflation adjustment, if applicable)
- b. Annual & Sick Leave
- c. Contribution toward Health Insurance
- d. Employer's Required Social Security Contribution

5.2. **LOCAL TAXES:** The Personal Services Contractor is required to provide payment of relevant taxes in the host country per local laws and regulations.

6.0 **PERIOD OF PERFORMANCE:** Base period of one (1) year, followed by four (4) one-year option periods. (Option Periods are not guaranteed). Start date will be determined after award.

7.0 **PLACE OF PERFORMANCE:** Dakar, Senegal.

7.1. **BACKGROUND**

7.1.1. The African Development Foundation (ADF) is an agency of the United States Government. ADF supports private businesses, farmers' cooperatives, associations, and various community-based organizations, especially those serving marginalized peoples, engaged in economic and social development activities.

The Foundation started its funding activities in Senegal in 1986. ADF's office in Dakar provides on-going support to projects that have been financed and also continues to identify viable local small and medium-sized enterprises that show potential to create employment opportunities generate incomes and have broad social impact beyond the project activity.

The following seven key principles serve as guidelines for all ADF management planning, budgeting, and evaluation activities. These priorities help ensure ADF stays true to **ITS MISSION**.

- (1) Model **HIGH EFFECTIVENESS AND LOW OVERHEAD** operations.
- (2) Focus program activities on **MARGINALIZED COMMUNITIES** in Africa.

- (3) Invest in African ideas through **PARTICIPATORY DEVELOPMENT**.
- (4) Ensure projects produce long term **SOCIAL AND ECONOMIC RESULTS**.
- (5) Promote **AFRICAN LED AND MANAGED** field project support.
- (6) Achieve the highest levels of **OPENNESS AND TRANSPARENCY**.
- (7) Support and develop an equal opportunity, **RESULTS DRIVEN STAFF** that rewards hard work, dedication to the mission, and personal success.

7.2. **POSITION DESCRIPTION**

Purpose: The purpose of the Country Program Coordinator (CPC) is to assist the United States African Development Foundation (ADF) in fulfilling its administrative oversight and program management responsibilities of grant agreements in Africa.

Reporting Relationships: The CPC reports to the ADF Regional Director. The CPC manages the CPC office staff, which includes one administrative assistant and one driver.

DUTIES AND RESPONSIBILITIES:

Project Origination (30%): The CPC will support and document the receipt of grant applications, conduct the initial screening and sorting of applications, and present candidate applications to Regional Director (RD). In accordance with RD instructions, the CPC conducts a site visit and prepares a site visit report of select applications. The CPC is responsible for maintaining correspondence with all applicants on the status of grant applications. Under the direction of the RD the CPC will orient the grantee to the ADF grant agreement. The CPC may also be asked to conduct outreach activities to publicize ADF's country program and encourage groups to apply.

Monitoring (40%): The CPC will use site visits to gather observations and grantee feedback and report to the RD on the effectiveness of the in-country partner's support of grantees. The CPC will conduct at least one site visit to every grantee at least once every two years, or as determined by an annual monitoring plan established with the RD. The annual monitoring plan will ensure that all grantees receive a site visit at least once per year from the CPC, the RD, or other ADF/Washington program staff. The CPC will provide a site visit report for each grantee site visit, as well as monthly CPC reports and bi-annual assessments of the partner's performance. In special cases the site visit may also include remediation activities as directed by the RD. The CPC is expected to be familiar with the status of grantees by reviewing grantee quarterly reports and grantee disbursement requests on a timely basis.

Close-Out (15%): The CPC will support grant close-out activities and grant audit follow up activities as directed by the RD in accordance with the annual work plan developed by the RPD.

Management & Coordination (15%): The CPC will manage the CPC office. This includes managing the use of funds and maintaining accurate financial records, performing monthly bank reconciliations of the CPC bank account, and ensuring the proper use and maintenance of ADF assets. The CPC is responsible the supervision of support staff. The CPC will assist

in the coordination of ADF related visits and events associated with ADF/W staff. The CPC will also, on a limited basis, interface with outside stakeholders on behalf of ADF as directed by the RPD.

PHYSICAL DEMANDS:

The work is generally sedentary and does not pose undue physical demands. During site visits, there may be some additional physical exertion including long periods of standing, walking over rough terrain, or the carrying of moderately heavy items (less than 50 pounds).

WORK ENVIRONMENT:

While in the country of assignment, the work is generally performed in an office environment. However, the position also requires travel throughout the countries of assignment, which may additionally involve numerous short trips throughout Senegal and in which special safety and/or security precautions, wearing of protective equipment, and exposure to severe weather conditions may be required.

8.0 PREPARATION AND SUBMISSION OF RESPONSES

8.1. **FOLLOW ALL THE INSTRUCTIONS OF THE SOLICITATION. ALL DOCUMENTATION IN RESPONSE TO THIS SOLICITATION SHALL BE SUBMITTED VIA EMAIL TO: ddouglas@usadf.gov. ONLY RESPONSES SUBMITTED EXACTLY AS REQUIRED BY THE SOLICITATION WILL BE CONSIDERED.**

8.2. **THE RESPONSE MUST CITE THE REQUEST FOR QUOTATION NO. ADF-11-Q-RPD1-0036 AND MUST BE RECEIVED ON SEPTEMBER 13, 2011 NO LATER THAN 23:59 EASTERN STANDARD TIME.**

8.3. **ADF MAY REJECT AS NON-RESPONSIVE ANY RESPONSE THAT FAILS TO CONFORM IN ANY MATERIAL RESPECT TO THE REQUEST FOR QUOTE.**

8.3.1. The Respondent assumes full responsibility for ensuring that their responses are received at the place as delineated herein and by the date and time identified above. The Respondent assumes full responsibility for ensuring electronic submissions are formatted in accordance with ADF Security Requirements. **THE FOLLOWING FILE EXTENSIONS ARE NOT ALLOWABLE AND APPLICATION MATERIAL/DATA SUBMITTED WITH THESE EXTENSIONS CANNOT BE CONSIDERED: BAT; CMD; EXE; PIF; RAR; SCR; VBS; HTA; AND CPL FILES.**

8.3.2. Microsoft Office compatible documents and Adobe PDF are acceptable. If the Respondent determines other formats are necessary, it is the respondent's responsibility to verify with ADF that the format is acceptable. Submitted materials with unacceptable or unreadable formats may be found non-responsive.

9.0 OTHER INFORMATION

ALL QUALIFIED APPLICANTS WILL BE CONSIDERED REGARDLESS OF AGE, RACE, COLOR, SEX, CREED, NATIONAL ORIGIN, LAWFUL POTENTIAL AFFILIATION, NON-DISQUALIFYING HANDICAP, MARITAL STATUS, SEXUAL ORIENTATION, AFFILIATION WITH AN EMPLOYEE ORGANIZATION, OR OTHER NON-MERIT FACTORS.

Personal Services Contractors are not eligible to participate in the Federal Employees Health Programs.

FUNDING

This is to formally advise you that the United States African Development Foundation is facing budget cuts and decisions may have to be made in the future relating to reductions in personnel.

10.0 EVALUATION FACTORS:

Evaluation Factors are used to determine the competitive ranking of qualified applicants in comparison to other applicants. The factors are listed in priority order from least to highest. Short-listed applicants who have provided all the required documents will be scheduled for an interview. Award shall be made based on the best overall value to the Government. All evaluation factors other than cost or price, when combined, are significantly more important than price.

Applicants interested in applying for this position “**MUST**” have the following Knowledge, Experience, Skills and Abilities:

EXPERIENCE

Minimum Requirements

1. A bachelor's degree from an accredited university in business administration, management, public administration, finance, accounting, community development, economics, or a related field.
2. Three years of professional experience in business development, finance, banking, monitoring, auditing, and evaluation, and/or management of international development programs.
3. Experience working with marginalized groups and/or community-based enterprises.
4. Experience managing client relationships, especially in a grants management, banking, business development, or international development context.
5. High level of motivation, personal commitment, and ethical standards.
6. High level of fluency in spoken and written English.
7. High level of fluency in spoken and written French and at least one major national language.
8. Experience with or education related to financial management/accounting.
9. Experience auditing, monitoring, or evaluating international development programs.
10. Willingness to travel extensively throughout Senegal.

Preferred

1. Professional experience in Senegal.
2. Experience working with international donors.
3. Experience with grant management or commercial/micro lending.
4. Knowledge of and commitment to ADF mission goals and priorities.
5. Knowledge or experience with community needs assessments, mobilization.
6. Experience with participatory development methods.

Evaluation Factors:

Education – Factor 1 (15 points)

Applicant shall have a Bachelor's degree from an accredited university in business administration, management, public administration, finance, accounting, community development, or economics.

Technical Knowledge and Experience – Factor 2 (40 points)

- Three years of professional experience in business development, finance, banking, monitoring, auditing, and evaluation, and/or management of international development programs;
- Demonstrated ability to operate independently in high visibility, high-pressure environments and operate in complex office environment, emergency and/or political crisis situations with minimal supervision;
- Knowledge of grant management or commercial/micro-lending; and
- Knowledge of community needs assessment, mobilization, community enterprises participatory development, and/or monitoring the implementation of an assistance activity under a grant or cooperative agreement.

Interview – Factor 3 (45 points)

The interview will be based on Evaluation Factors 1 and 2. In addition, the applicants will be evaluated on their ability to communicate effectively in the English language, as well as his/her ability to communicate fluently in a major local language.

Applicants are required to address each of the Evaluation Factors 1 and 2 on a separate sheet describing specifically and accurately what experience, training, education and/or awards they have received that are relevant to each factor. Be sure to include your name and the solicitation number at the top of each additional page. Failure to specifically address the Evaluation Factors may result in your not receiving credit for all of your pertinent experience, education, training and/or awards.

BASIS OF RATING: Applicants who clearly meet the Education/Experience Requirements and Evaluation Factors will be further evaluated based on scoring of the Evaluation Factor responses. Those applicants determined to be competitively ranked may also be evaluated on

interview performance and satisfactory professional reference checks. Only competitively ranked candidates will be invited to interview.

The Applicant Rating System is as follows:

Evaluation Factors have been assigned the following points:

Factor 1 – 15 Points -- **Education**

Factor 2 – 40 Points – **Technical Knowledge and Experience**

Factor 3 – 45 Points – **Interview**

Total Possible - 100 Points

Satisfactory Professional Reference Checks - Pass/Fail (no points assigned)

BASIS FOR AWARD:

The offerors shall be evaluated and awarded in accordance with FAR 52.212-2, —Evaluation – Commercial Items (JAN 1999).

(a) The Government will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered. The following factors shall be used to evaluate offers:

Please See Page 6 – Evaluation Factors

(b) *Options*. The Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. The Government may determine that an offer is unacceptable if the option prices are significantly unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).

(c) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es): <https://www.acquisition.gov>

52.212-4 Contract Terms and Conditions—Commercial Items. (Aug 2011) – incorporated by reference.

52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items. (Aug 2011)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

(1) [52.222-50](#), Combating Trafficking in Persons (Feb 2009) ([22 U.S.C. 7104\(g\)](#)).

— Alternate I (Aug 2007) of [52.222-50](#) ([22 U.S.C. 7104\(g\)](#)).

(2) [52.233-3](#), Protest After Award (AUG 1996) ([31 U.S.C. 3553](#)).

(3) [52.233-4](#), Applicable Law for Breach of Contract Claim (OCT 2004) (Pub. L. 108-77, 108-78).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

— (1) [52.203-6](#), Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) ([41 U.S.C. 253g](#) and [10 U.S.C. 2402](#)).

— (2) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 ([41 U.S.C. 251](#) note)).

— (3) [52.203-15](#), Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (June 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)

— (4) [52.204-10](#), Reporting Executive Compensation and First-Tier Subcontract Awards (Jul 2010) (Pub. L. 109-282) ([31 U.S.C. 6101](#) note).

— (5) [52.204-11](#), American Recovery and Reinvestment Act—Reporting Requirements (Jul 2010) (Pub. L. 111-5).

— (6) [52.209-6](#), Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (DEC 2010) ([31 U.S.C. 6101](#) note). (Applies to contracts over \$30,000). (Not applicable to subcontracts for the acquisition of commercially available off-the-shelf items).

— (7) [52.209-10](#), Prohibition on Contracting with Inverted Domestic Corporations (section 740 of Division C of Pub. L. 111-117, section 743 of Division D of Pub. L. 111-8, and section 745 of Division D of Pub. L. 110-161).

— (8) [52.219-3](#), Notice of Total HUBZone Set-Aside or Sole-Source Award (Jan 2011) ([15 U.S.C. 657a](#)).

— (9) [52.219-4](#), Notice of Price Evaluation Preference for HUBZone Small Business Concerns (JAN 2011) (if the offeror elects to waive the preference, it shall so indicate in its offer) ([15 U.S.C. 657a](#)).

— (10) [Reserved]

— (11)(i) [52.219-6](#), Notice of Total Small Business Set-Aside (June 2003) ([15 U.S.C. 644](#)).

— (ii) Alternate I (Oct 1995) of [52.219-6](#).

— (iii) Alternate II (Mar 2004) of [52.219-6](#).

— (12)(i) [52.219-7](#), Notice of Partial Small Business Set-Aside (June 2003) ([15 U.S.C. 644](#)).

— (ii) Alternate I (Oct 1995) of [52.219-7](#).

— (iii) Alternate II (Mar 2004) of [52.219-7](#).

— (13) [52.219-8](#), Utilization of Small Business Concerns (Jan 2011) ([15 U.S.C. 637\(d\)\(2\)](#) and (3)).

— (14)(i) [52.219-9](#), Small Business Subcontracting Plan (Jan 2011) ([15 U.S.C. 637\(d\)\(4\)](#)).

— (ii) Alternate I (Oct 2001) of [52.219-9](#).

— (iii) Alternate II (Oct 2001) of [52.219-9](#).

— (iv) Alternate III (Jul 2010) of [52.219-9](#).

— (15) [52.219-14](#), Limitations on Subcontracting (Dec 1996) ([15 U.S.C. 637\(a\)\(14\)](#)).

— (16) [52.219-16](#), Liquidated Damages—Subcontracting Plan (Jan 1999) ([15 U.S.C. 637\(d\)\(4\)\(F\)\(i\)](#)).

— (17)(i) [52.219-23](#), Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (OCT 2008) ([10 U.S.C. 2323](#)) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).

— (ii) Alternate I (June 2003) of [52.219-23](#).

— (18) [52.219-25](#), Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting (Dec 2010) (Pub. L. 103-355, section 7102, and [10 U.S.C. 2323](#)).

— (19) [52.219-26](#), Small Disadvantaged Business Participation Program— Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and [10 U.S.C. 2323](#)).

— (20) [52.219-27](#), Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (May 2004) ([15 U.S.C. 657 f](#)).

— (21) [52.219-28](#), Post Award Small Business Program Rerepresentation (Apr 2009) ([15 U.S.C. 632\(a\)\(2\)](#)).

- ___ (22) [52.219-29](#) Notice of Total Set-Aside for Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns (Apr 2011).
- ___ (23) [52.219-30](#) Notice of Total Set-Aside for Women-Owned Small Business (WOSB) Concerns Eligible Under the WOSB Program (Apr 2011).
- X (24) [52.222-3](#), Convict Labor (June 2003) (E.O. 11755).
- X (25) [52.222-19](#), Child Labor—Cooperation with Authorities and Remedies (Jul 2010) (E.O. 13126).
- ___ (26) [52.222-21](#), Prohibition of Segregated Facilities (Feb 1999).
- ___ (27) [52.222-26](#), Equal Opportunity (Mar 2007) (E.O. 11246).
- ___ (28) [52.222-35](#), Equal Opportunity for Veterans (Sep 2010) ([38 U.S.C. 4212](#)).
- ___ (29) [52.222-36](#), Affirmative Action for Workers with Disabilities (Oct 2010) ([29 U.S.C. 793](#)).
- ___ (30) [52.222-37](#), Employment Reports on Veterans (SEP 2010) ([38 U.S.C. 4212](#)).
- ___ (31) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).
- ___ (32) [52.222-54](#), Employment Eligibility Verification (JAN 2009). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in [22.1803](#).)
- ___ (33)(i) [52.223-9](#), Estimate of Percentage of Recovered Material Content for EPA–Designated Items (May 2008) ([42 U.S.C. 6962\(c\)\(3\)\(A\)\(ii\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- ___ (ii) Alternate I (May 2008) of [52.223-9](#) ([42 U.S.C. 6962\(i\)\(2\)\(C\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- ___ (34) [52.223-15](#), Energy Efficiency in Energy-Consuming Products (DEC 2007) ([42 U.S.C. 8259b](#)).
- ___ (35)(i) [52.223-16](#), IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (DEC 2007) (E.O. 13423).
- ___ (ii) Alternate I (DEC 2007) of [52.223-16](#).
- X(36) [52.223-18](#), Contractor Policy to Ban Text Messaging While Driving (Aug 2011) (E.O. 13513).
- ___ (37) [52.225-1](#), Buy American Act—Supplies (Feb 2009) ([41 U.S.C. 10a-10d](#)).
- ___ (38)(i) [52.225-3](#), Buy American Act—Free Trade Agreements—Israeli Trade Act (June 2009) ([41 U.S.C. 10a-10d](#), [19 U.S.C. 3301](#) note, [19 U.S.C. 2112](#) note, [19 U.S.C. 3805](#) note, Pub. L. 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, and 110-138).
- ___ (ii) Alternate I (Jan 2004) of [52.225-3](#).
- ___ (iii) Alternate II (Jan 2004) of [52.225-3](#).
- ___ (39) [52.225-5](#), Trade Agreements (AUG 2009) ([19 U.S.C. 2501](#), *et seq.*, [19 U.S.C. 3301](#) note).
- ___ (40) [52.225-13](#), Restrictions on Certain Foreign Purchases (June 2008) (E.O.’s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).
- ___ (41) [52.226-4](#), Notice of Disaster or Emergency Area Set-Aside (Nov 2007) ([42 U.S.C. 5150](#)).
- ___ (42) [52.226-5](#), Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) ([42 U.S.C. 5150](#)).
- ___ (43) [52.232-29](#), Terms for Financing of Purchases of Commercial Items (Feb 2002) ([41 U.S.C. 255\(f\)](#), [10 U.S.C. 2307\(f\)](#)).
- ___ (44) [52.232-30](#), Installment Payments for Commercial Items (Oct 1995) ([41 U.S.C. 255\(f\)](#), [10 U.S.C. 2307\(f\)](#)).
- X (45) [52.232-33](#), Payment by Electronic Funds Transfer—Central Contractor Registration (Oct 2003) ([31 U.S.C. 3332](#)).
- ___ (46) [52.232-34](#), Payment by Electronic Funds Transfer—Other than Central Contractor Registration (May 1999) ([31 U.S.C. 3332](#)).
- ___ (47) [52.232-36](#), Payment by Third Party (Feb 2010) ([31 U.S.C. 3332](#)).
- ___ (48) [52.239-1](#), Privacy or Security Safeguards (Aug 1996) ([5 U.S.C. 552a](#)).
- ___ (49)(i) [52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) ([46 U.S.C. Appx. 1241\(b\)](#) and [10 U.S.C. 2631](#)).
- ___ (ii) Alternate I (Apr 2003) of [52.247-64](#).
- (c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:
[Contracting Officer check as appropriate.]
- ___ (1) [52.222-41](#), Service Contract Act of 1965 (Nov 2007) ([41 U.S.C. 351](#), *et seq.*).
- ___ (2) [52.222-42](#), Statement of Equivalent Rates for Federal Hires (May 1989) ([29 U.S.C. 206](#) and [41 U.S.C. 351](#), *et seq.*).
- ___ (3) [52.222-43](#), Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (Sep 2009) ([29 U.S.C. 206](#) and [41 U.S.C. 351](#), *et seq.*).
- ___ (4) [52.222-44](#), Fair Labor Standards Act and Service Contract Act—Price Adjustment (Sep 2009) ([29 U.S.C. 206](#) and [41 U.S.C. 351](#), *et seq.*).
- ___ (5) [52.222-51](#), Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Nov 2007) ([41 U.S.C. 351](#), *et seq.*).
- ___ (6) [52.222-53](#), Exemption from Application of the Service Contract Act to Contracts for Certain Services—Requirements (Feb 2009) ([41 U.S.C. 351](#), *et seq.*).
- ___ (7) [52.226-6](#), Promoting Excess Food Donation to Nonprofit Organizations (Mar 2009) (Pub. L. 110-247).
- ___ (8) [52.237-11](#), Accepting and Dispensing of \$1 Coin (Sept 2008) ([31 U.S.C. 5112\(p\)\(1\)](#)).

(d) *Comptroller General Examination of Record.* The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at [52.215-2](#), Audit and Records—Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR [Subpart 4.7](#), Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause—

(i) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 ([41 U.S.C. 251 note](#))).

(ii) [52.219-8](#), Utilization of Small Business Concerns (Dec 2010) ([15 U.S.C. 637\(d\)\(2\)](#) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$650,000 (\$1.5 million for construction of any public facility), the subcontractor must include [52.219-8](#) in lower tier subcontracts that offer subcontracting opportunities.

(iii) [Reserved]

(iv) [52.222-26](#), Equal Opportunity (Mar 2007) (E.O. 11246).

(v) [52.222-35](#), Equal Opportunity for Veterans (Sep 2010) ([38 U.S.C. 4212](#)).

(vi) [52.222-36](#), Affirmative Action for Workers with Disabilities (Oct 2010) ([29 U.S.C. 793](#)).

(vii) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause [52.222-40](#).

(viii) [52.222-41](#), Service Contract Act of 1965 (Nov 2007) ([41 U.S.C. 351, et seq.](#)).

(ix) [52.222-50](#), Combating Trafficking in Persons (Feb 2009) ([22 U.S.C. 7104\(g\)](#)).

____ Alternate I (Aug 2007) of [52.222-50](#) ([22 U.S.C. 7104\(g\)](#)).

(x) [52.222-51](#), Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (Nov 2007) ([41 U.S.C. 351, et seq.](#)).

(xi) [52.222-53](#), Exemption from Application of the Service Contract Act to Contracts for Certain Services-Requirements (Feb 2009) ([41 U.S.C. 351, et seq.](#)).

(xii) [52.222-54](#), Employment Eligibility Verification (JAN 2009).

(xiii) [52.226-6](#), Promoting Excess Food Donation to Nonprofit Organizations (Mar 2009) (Pub. L. 110-247). Flow down required in accordance with paragraph (e) of FAR clause [52.226-6](#).

(xiv) [52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) ([46 U.S.C. Appx. 1241\(b\)](#) and [10 U.S.C. 2631](#)). Flow down required in accordance with paragraph (d) of FAR clause [52.247-64](#).

(2) While not required, the contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of clause)

Alternate I (Feb 2000). As prescribed in [12.301\(b\)\(4\)\(i\)](#), delete paragraph (d) from the basic clause, redesignate paragraph (e) as paragraph (d), and revise the reference to "paragraphs (a), (b), (c), or (d) of this clause" in the redesignated paragraph (d) to read "paragraphs (a), (b), and (c) of this clause."

Alternate II (Dec 2010). As prescribed in [12.301\(b\)\(4\)\(ii\)](#), substitute the following paragraphs (d)(1) and (e)(1) for paragraphs (d)(1) and (e)(1) of the basic clause as follows:

(d)(1) The Comptroller General of the United States, an appropriate Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 ([5 U.S.C. App.](#)), or an authorized representative of either of the foregoing officials shall have access to and right to—

(i) Examine any of the Contractor's or any subcontractors' records that pertain to, and involve transactions relating to, this contract; and

(ii) Interview any officer or employee regarding such transactions.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), and (c), of this clause, the Contractor is not required to flow down any FAR clause in a subcontract for commercial items, other than—

(i) *Paragraph (d) of this clause.* This paragraph flows down to all subcontracts, except the authority of the Inspector General under paragraph (d)(1)(ii) does not flow down; and

(ii) *Those clauses listed in this paragraph (e)(1).* Unless otherwise indicated below, the extent of the flow down shall be as required by the clause—

- (A) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 ([41 U.S.C. 251 note](#))).
- (B) [52.203-15](#), Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (June 2010) (Section 1553 of Pub. L. 111-5).
- (C) [52.219-8](#), Utilization of Small Business Concerns (Dec 2010) ([15 U.S.C. 637\(d\)\(2\) and \(3\)](#)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$650,000 (\$1.5 million for construction of any public facility), the subcontractor must include [52.219-8](#) in lower tier subcontracts that offer subcontracting opportunities.
- (D) [52.222-26](#), Equal Opportunity (Mar 2007) (E.O. 11246).
- (E) [52.222-35](#), Equal Opportunity for Veterans (Sep 2010) ([38 U.S.C. 4212](#)).
- (F) [52.222-36](#), Affirmative Action for Workers with Disabilities (Oct 2010) ([29 U.S.C. 793](#)).
- (G) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause [52.222-40](#).
- (H) [52.222-41](#), Service Contract Act of 1965 (Nov 2007) ([41 U.S.C. 351, et seq.](#)).
- (I) [52.222-50](#), Combating Trafficking in Persons (Feb 2009) ([22 U.S.C. 7104\(g\)](#)).
- (J) [52.222-51](#), Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Nov 2007) ([41 U.S.C. 351, et seq.](#)).
- (K) [52.222-53](#), Exemption from Application of the Service Contract Act to Contracts for Certain Services—Requirements (Feb 2009) ([41 U.S.C. 351, et seq.](#)).
- (L) [52.222-54](#), Employment Eligibility Verification (Jan 2009).
- (M) [52.226-6](#), Promoting Excess Food Donation to Nonprofit Organizations. (Mar 2009) (Pub. L. 110-247). Flow down required in accordance with paragraph (e) of FAR clause [52.226-6](#).
- (N) [52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) ([46 U.S.C. Appx. 1241\(b\)](#) and [10 U.S.C. 2631](#)). Flow down required in accordance with paragraph (d) of FAR clause [52.247-](#)

The following FAR clauses are provided in Full Text:

52.217-9 Option to Extend the Term of the Contract (Mar 2000)

- (a) The Government may extend the term of this contract by written notice to the Contractor within 30 days; provided that the Government gives the Contractor a preliminary written notice of its intent to extend at least 60 days before the contract expires. The preliminary notice does not commit the Government to an extension.
- (b) If the Government exercises this option, the extended contract shall be considered to include this option clause.
- (c) The total duration of this contract, including the exercise of any options under this clause, shall not exceed **5 (years)**. (End of clause)

52.232-19 Availability of Funds for the Next Fiscal Year (APR 1984)

Funds are not presently available for performance under this contract beyond the current fiscal year. The Government's obligation for performance of this contract beyond that date is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise for performance under this contract beyond the current fiscal year until funds are made available to the Contracting Officer for performance and until the Contractor receives notice of availability, to be confirmed in writing by the Contracting Officer.

(End of clause)